

**Village of Cold Spring Zoning Board of Appeals**  
**85 Main Street, Cold Spring New York 10516**  
**Phone (845) 265-3611**  
**Public hearings**

August 5, 2013

**Present:** Chairman; Donald Mac Donald **Members:** Marie Early, Greg Gunder, John Martin, and Ed Murphy

**Alternate member observer:** Alison Anthoine

**1. Morgan Rich, 34 Pine St.**

Represented by Mr. Buckholz, the Board reviewed the revised drawings.

The Applicant proposed to construct a rear one story addition. The proposal will require a side yard and lot coverage variance from section 134-7(c)(5) and (D) (2) respectively of the Village Code.

It was noted by Chairman MacDonald that there were no members of the public present. Mr. Buckholz noted that he received 4 of the 6 return receipt notices back. He explained that one noted he did not object and the other has not been in town for a long time. The Board reviewed the list of neighbors. One neighbor who had not been notified was an immediate neighbor, Catherine Stanke, since she has not been in town for about 1 month. The Board asked that the Applicant send a notice to the New York City address. The other neighbor, Mr. Galloway, noted he liked what was being proposed and the green card was in the mail. The Board will give the Applicant 10 days to get a notice from Catherine Stanke or a green return notice receipt card.

The width of the proposed addition was reduced by 3 ½ inches on the Parsonage Street side.

The Board reviewed the following 5 questions:

1. Whether an undesirable change will be produced in the character of the variance? The Board agreed that there is no undesirable change to the neighborhood.
2. Whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue other than an area variance? A cellar entrance door prohibits the addition from being moved to another location.
3. Whether the requested variance is substantial? Note the lot coverage will be increased by 1%. There is a preexisting closeness of the house to the property line on the northeasterly side of the lot.
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? The Board found no adverse effect on the neighborhood or environmental conditions.

5. Whether the alleged difficulty was self-created? To the extent that they bought a small house on a small lot.

The public hearing will be kept open for 10 days to give Catherine Stanke a chance to respond. The decision will not be signed until a green card has been received. The Board members took a conditional vote. J. Martin moved to grant the side yard variance and lot coverage as requested and discussed. E. Murphy seconded the motion. It was approved 5-0 with condition of receiving the green card. E. Murphy moved to Adjourn the public hearing for Morgan Rich and G. Gunder seconded the motion. It was approved unanimously. At 8:23 P.M. the Public Hearing for Morgan Rich was closed.

## **2. Alberto and Laura Mora, 33 Fair St.**

The public hearing for Alberto and Laura Mora opened at 8:24 P.M.

The Applicant proposed to construct a 2nd story addition. The proposal will require a side yard variance from Section 134-7 (C)(5) of the Village Code. The House is located next to the old Ford Dealership. The proposal is to keep within the footprint of the house to add a second story over an existing first floor massing.

The Applicant noted he only received 2 return request receipts back. One neighbor, Edward Fortier, responded by email and the applicant received a "sorry we missed you" notice for 6 Northern Gate. The public hearing will be kept open for 10 days. The board reviewed a list of neighbors. The Applicant proposed to write a letter notifying the neighbors who had not responded to the mail notice, and he will copy the Board. The public hearing will remain open until August 19, 2013.

The Applicant presented the proposal as being a second story addition the same depth of the gable. There will be no dormer. The addition will be the width of existing building and 6.7 inches from required 10 ft. side yard. The applicant noted he is ignoring lot number 2. There is no lot coverage and height issue.

The ZBA reviewed the following 5 questions:

1. Whether an undesirable change will be produced in the character of the variance? No the lot is large.
2. Whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue other than an area variance? No the proposal is to stretch the roof line and use the same footprint.
3. Whether the requested variance is substantial? No, the addition matches existing. The footprint will remain the same.
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? No, the house is located on a large lot.
5. Whether the alleged difficulty was self-created? The lot of the land area is far from the street. It is the least intrusive to the character of the building and the neighborhood.

The Board took a conditional vote. Proposed that the notices are received back by August 19, The Board agreed that the Applicant will not have to receive the return request receipts back by August 19<sup>th</sup>. J. Martin moved to approve the 6.7 side yard variance to the northerly yard for the reasons discussed. E. Murphy seconded the motion. It was approved unanimously. J. Martin moved to adjourn the public hearing and G. Gunder seconded the motion. The public hearing was adjourned unanimously at about 9:20 P.M.

#### **Minutes:**

- The minutes of May 16, 2013 were reviewed D. Mac Donald moved to approve the minutes as presented and J. Martin seconded the motion. The minutes were approved 3-0. E. Murphy and M. Early abstained since they were not present for that meeting.
- The minutes of February 16, 2012 were reviewed D. Mac Donald moved to approve the minutes as revised and J. Martin second the motion. The minutes were approved 4-0.

#### **Bills:**

- Drake, Loeb, Heller, Kennedy, Gogerty, Gaba and Rodd, PLLC dated 2/15/13 in the amount of \$87.50 (70.00 Hall Peehl and 17.50 for ZBA procedures).
- Bill from Drake, Loeb, Heller, Kennedy, Gogerty, Gaba and Rodd, PLLC dated 5/22/13 for work done on Peehl/Hall in the amount of \$832.44 May 22, 2013.

Both bills were approved unanimously.

#### **Correspondence:**

- Everything a board member needs to know; rights and responsibilities of Board members. - To be distributed to all Board members.
- Minutes from other boards to review.
- New York State Archives 2013 Student Research Competition Poster.
- NYCOM Planning and Zoning Summer Schools 2013 July 24 – August 2.
- Letter dated June 14, 2013 from Bruce Campbell invitation to Independence Day Celebration July 4.
- Butterfield Realty LLC dated July 19, 2013 Affirmation for being the applicant from Butterfield Realty LLC regarding the Butterfield Hospital Development proposed B4 zoning change to B4A currently being reviewed by the Village of Cold Spring.

#### **Board Business:**

- Trustee; Stephanie Hawkins introduced to the Village Board a change to the Village law regarding the 10 day notice period for legal notice to a 5 day notice.
- Discussed scheduling an executive session regarding Peehl/Hall.
- It was noted that paperwork has not yet been received from Applicant Tania Drinnon who happens to have an FHA Loan with a 90 day window to build the addition.

J. Martin Moved to adjourn the meeting and M. Early seconded the motion. The meeting adjourned at 9:35 PM.

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Marie E. Early, Zoning Board of Appeals  
Acting Chair

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Date